

**REMARKS**

Claims 1, 46-54, 56-68 and 70-73 are pending. By this Amendment, claims 1, 51, 53, 54, 56, 58, 62, 63, 64, 66, 70, 71 and 73 have been amended.

Applicant filed an Information Disclosure Statement on November 3, 2003 citing two U.S. Patents. It is requested that the Examiner consider the references cited in that Information Disclosure Statement. If the Examiner is unable to locate the Information Disclosure Statement, the Examiner is requested to contact the undersigned at the telephone number listed below.

Applicant appreciates the indication of allowability for claims 48, 50, 54, 68, 71 and 73 and the allowance of claims 51, 52, 56-61 and 72. By this Amendment, claims 51, 54, 56, 58, 71 and 73 have been amended and remain allowable. For the reasons discussed below, all of claims 1, 46-54, 56-68 and 70-73 are allowable.

Claims 54, 64, 66, 70, 71 and 73 were objected to based on various informalities. By this Amendment, claims 64, 66, 70 and 73 have been amended in view of the Examiner's helpful comments. With regard to claims 54 and 71, these claims have been amended to recite that one of the first chamber and the second chamber is covered by the first cover and the other of the first chamber and the second chamber is covered by the second cover. The other chamber thus does not need to be changed to the second chamber as suggested in the Office Action. Claims 54 and 71 are clear and are supported by the specification. It is respectfully requested that the objection be withdrawn.

Claims 1, 46, 47 and 62-64 were rejected under 35 U.S.C. §102(e) over Kanaya et al. (Kanaya), U.S. Patent No. 6,247,803. The rejection is respectfully traversed.

Kanaya fails to disclose an ink cartridge with an ink supply hole that is formed in a wall which defines the second chamber and is in direct communication with the second chamber, as recited in claim 1. As identified in the Office Action, Fig. 35 of Kanaya

discloses a first chamber 611 and a second chamber 612. Kanaya also discloses an ink supply port member 620 with a through hole 623 that is similar to the ink supply hole of claim 1. However, Kanaya's through hole 623 is in direct communication with the first chamber 611 and not the second chamber 612. Accordingly, Kanaya discloses the opposite of claim 1.

Should the Examiner assert that the chamber 611 is the second chamber and the chamber 612 is the first chamber, then Kanaya fails to disclose a first chamber and a second chamber that communicate with each other near the second surface inside the case such that ink is filled in the first chamber through the second chamber from the ink filling hole. In Kanaya, ink is filled in the chamber 611 through the chamber 612 from the replenishment hole 2410. In other words, Kanaya discloses the opposite of claim 1 because ink is filled in the second chamber (chamber 611) through the first chamber (chamber 612) from the ink filling hole (replenishment hole 2410). None of the other embodiments of Kanaya disclose all of the features of claim 1.

Accordingly, Kanaya fails to disclose all of the features recited in claim 1 or the additional features recited in claims 46, 47 and 62-64. It is respectfully requested that the rejection be withdrawn.

Claims 53, 66 and 70 were rejected under 35 U.S.C. §102(b) over Ceschin et al. (Ceschin), U.S. Patent No. 5,489,932. The rejection is respectfully traversed.

Ceschin fails to disclose an ink cartridge with a second cover which is a separate part from the case and is joined to the case, as recited in claim 53.

Fig. 1 of Ceschin discloses a container 10 with an upper wall 14c and a base wall 14b. As identified in the Office Action, the upper wall 14c and the base wall 14b correspond to the first cover and the second cover, respectively. However, as shown in Fig. 1, the upper wall 14c and the base wall 14b appear integral with the lateral wall 14a as indicated by the hatching of the walls of the container 10. Ceschin only states that the upper wall 14c is fixed

to the container 10 during manufacture (col. 4, lines 7-8). Ceschin fails to provide any disclosure with regard to the base wall 14b as also being fixed to the container or as a separate part from the container 10.

Accordingly, Ceschin fails to disclose all of the features of claim 53.

Ceschin also fails to disclose an ink cartridge with a partitioning wall with one end of the wall joined to the upper case surface or a path for connecting the first chamber and the atmosphere connection chamber, formed in the upper case surface, wherein the path and the first chamber are connected via a surface which does not contain an intersection line formed by the intersection of the upper case surface and a surface of the partitioning wall, as recited in claim 66.

Fig. 1 of Ceschin discloses an upper wall 14c, a partition wall 14aa and a second channel 37 that extends between the main tank 15 and the refill tank 30. As identified in the Office Action, the bottom surface of the second channel 37 corresponds to the surface which does not include an intersection line.

First, the bottom of the second channel 37 and the top of the partitioning wall 14aa, as shown in Fig. 1, are both the same surface. Second, the wall 14aa in Fig. 1 is not connected to the container 10. Fig. 1 of Ceschin is only a sectional view of the container 10 and the description in col. 4, lines 10-48 fails to disclose how the wall 14aa is connected to the chamber 10.

Accordingly, Ceschin fails to disclose one end of the wall 14aa joined to the upper surface of the container 10. Should the Examiner maintain that the wall 14aa is joined to the upper surface of the container 10, which Applicant traverses, Ceschin fails to disclose two separate surfaces. In particular, Ceschin fails to disclose both a first surface for the bottom of the second channel 27 (i.e., top of the wall 14aa) that does not contain an intersection line and

a separate second surface for the second channel 27 that intersects the upper surface of the container 10.

As discussed, Ceschin fails to provide any disclosure as to how the wall 14aa is connected to the other walls of the container 10. Accordingly, Ceschin fails to disclose all of the features recited in claim 56.

The rejection of claim 70 has been rendered moot based on the amendment of claim 70 to depend from allowable claim 54.

In view of the foregoing, it is respectfully requested that the rejection be withdrawn.

Claims 49 and 65 were rejected under 35 U.S.C. §103(a) over Kanaya in view of Shinada et al. (Shinada), U.S. Patent No. 5,790,158. The rejection is respectfully traversed.

Shinada fails to overcome the deficiencies of Kanaya because Shinada also fails to disclose the ink supply hole of claim 1. Accordingly, the combination of Kanaya and Shinada fails to disclose or suggest all of the features recited in claim 1 or the additional features recited in claims 49 and 65. It is respectfully requested that the rejection be withdrawn.

Claim 67 was rejected under 35 U.S.C. §103(a) over Ceschin in view of Shinada. The rejection is respectfully traversed.

Shinada fails to overcome the deficiencies of Ceschin because Shinada also fails to disclose Applicant's path as recited in claim 66. Accordingly, the combination of Ceschin and Shinada fails to disclose or suggest all of the features recited in claim 66 or the additional features recited in claim 67. It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 46-54, 56-68 and 70-73 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Petition for Extension of Time

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